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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,479	04/15/2004	Takashi Sakurazawa	251901US6	6488

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
HERRERA, DIEGO D	
ART UNIT	**PAPER NUMBER**
2683	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/824,479	SAKURAZAWA, TAKASHI	
	Examiner	Art Unit	
	Diego Herrera	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 April 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Mobile using method and system and computer program to access and receive information from multiple servers".

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 4 & 8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 4 & 8 are drawn to a "program" *per se* as recited in the preamble and as such are non-statutory subject matter. See MPEP § 2106.IV.B.1.a. Data structures not claimed as embodied in computer readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the

invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

The following is an example of what the examiner recommends the preamble should read as: "A computer useable medium having (program code)|(data structure) means embodied therein for causing (description of claims overall function), the computer readable (program code)|(data structure) means in said article of manufacture comprising:" For examination purposes, the examiner will consider claims 4 & 8 as statutory as per the above preamble.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyle et al. (U.S. Patent # 6,138,158).

1. Regarding claim 1, Boyle et al. discloses a service providing system (Abstract) comprising:
    a. A first server for providing a first service to a first terminal via a network (Abstract, Fig. 1, col. 5, lines: 10-15, the reference makes mention of first service and first terminal and first server as depicted in figure one); and
    b. A second server for providing a second service to a second terminal via said network (Fig. 1, col. 5, lines: 4-23, the reference makes mention of other systems that work with stationary devices that provide service and have their own server as depicted in figure one);
    c. Wherein said first server includes:
        i. First providing means for providing said first service to said first terminal (Fig. 1, col. 5, lines: 7-8, first means for providing service is via airnet {102} with an antenna {108} as depicted in figure one); and
        ii. First transmitting means for transmitting provision information indicating that said first service has been provided by said first providing means to said second server (Fig. 1, col. 5, lines: 37-58, talks about a link between two different system servers, therefore, a

transceiver. Col. 5, lines: 24-36, talks about notifying users of update information, explained further in col. 7, lines: 13-28, how this is done through to the mobile or stationary device, since the update can come from any of the servers, but as explained even further in col. 7, lines: 40-45, the web server send a notification to the subscribed user about any changes that may have occurred since last request of information); and

d. Wherein said second server includes:

i. Detecting means for recognizing from said provision information transmitted from said first transmitting means of said first server that said first service has been provided, and detecting said second service related to said first service (Fig. 1 & 2, col. 8, lines: 18-26, 33-67, col. 9, lines: 1-5, where the first service has been provided then it is connected to the link where the information of the mobile device is stored, i.e. identification number, so that when the second server has relevant information to provide it will know what device to send it to using the link explained and shown in the reference);

ii. Second transmitting means for transmitting recommendation information for recommending said second service detected by said detecting means to said first terminal (Fig. 1 & 2, col. 5, lines: 37-58, also col. 7, lines: 1-12, talks about the means of a link infrastructure used to communicate information between the two

networks or the mobile device and the second network. Also it talks about having different microprocessor used for different means of transmitting the information as depicted in the figure two the objects: 202,104, 210, 206, and 106 as the arrows indicate flow of information traffic);

iii. Registering means for registering said second service by said recommendation information and requested to be provided by said first terminal (Fig. 4 & 5, col. 9, lines: 43-60, as shown in the figures there are means where the mobile device is registered to a particular server which then sends updates on the information of interest that the mobile has desired to receive); and

iv. Second providing means for providing said second service registered by said registering means to said second terminal in response to a request from said second terminal (Fig. 1, as shown in the figure one, the second device {110} communicates to second server through internet or intranet {104} and connects with second server {112}. See also col. 8, lines: 20-25, where the second device is connected to second server that provides service through Internet or intranet).

2. Consider claim 2, Boyle et al. discloses and shows an information processing apparatus for providing a first service to a terminal via a network (Abstract, Fig. 1,

shows objects server {118}, link {114}, antenna {108}, and a terminal {106}), said apparatus comprising:

a. Providing means for providing said first service to said terminal (Abstract, Fig. 1, col. 5, lines: 10-15, the reference makes mention of first service and first terminal and first server as depicted in figure one); and

b. Transmitting means for transmitting provision information indicating that said first service has been provided by said providing means to a server for providing a second service via said network (Fig. 1, col. 5, lines: 37-58, talks about a link between two different system servers. Col. 5, lines: 24-36, talks about notifying users of update information, explained further in col. 7, lines: 13-28, how this system is done through to the mobile or stationary device, since the update can come from any of the servers, but as explained even further in col. 7, lines: 40-45, the web server send a notification to the subscribed user about any changes that may have occurred since last request of information).

3. Consider claim 3, Boyle et al. discloses and shows an information processing method for providing a first service to a terminal via a network (Abstract, Fig. 1, shows objects server {118}, link {114}, antenna {108}, and a terminal {106}), said method comprising:

a. A providing step for providing said first service to said terminal (Abstract, Fig. 1, shows objects server {118}, link {114}, antenna {108}, and a terminal {106}); and

b. A transmitting step for transmitting provision information indicating that said first service has been provided by processing of said providing step to a server for providing a second service via said network (Fig. 1, col. 5, lines: 37-58, talks about a link between two different system servers, therefore, a transceiver. Col. 5, lines: 24-36, talks about notifying users of update information, explained further in col. 7, lines: 13-28, how this is done through to the mobile or stationary device, since the update can come from any of the servers, but as explained even further in col. 7, lines: 40-45, the web server sends a notification to the subscribed user about any changes that may have occurred since last request of information. Also, col. 10, lines: 2-17, talk about the URL as being a form of transmission with information indicating services provided or subscribed to of mobile device).

4. Consider claim 4 and 35 U.S.C. 101 above, Boyle et al. discloses and shows an information processing apparatus for providing a first service to a terminal via a network, said program making a computer perform a process comprising:

a. A providing control step for controlling providing said first service to said terminal (Abstract, Fig. 1, shows objects server {118}, link {114}, antenna {108}, and a terminal {106}), and

b. A transmitting control step for controlling transmitting provision information indicating that said first service has been provided by processing of said providing control step to a server for providing a second service via said

network (col. 11, lines: 57-67, and col. 12, lines: 1-14, Fig. 8B and 8C, where the flowcharts show the process of authentication, of queuing, and sending information in a control manner to one that has had first service and now is about to receive information update from second service).

5. Consider claim 5, Boyle et al. discloses and shows an information processing apparatus for providing a first service to a first terminal via a network (Fig. 1 & 2, object link server device {114} between server {118} and mobile {106} device, col. 5, lines: 37-58), said apparatus comprising:

   a. Detecting means for recognizing that a second service has been provided from provision information indicating that said second service has been provided (Fig. 1 & 3, object Link server device {114} connected to server {112} through internet {104}. See also, col. 5, lines: 37-58, these lines talk about the link server device communicating with one server then with another of different system), said provision information being transmitted from a server for providing said second service to a second terminal via said network (col. 8, lines: 20-32, where the word coupled is understood to mean connected through wires or means in which both the second server device is able to communicate with second terminal device through said network), and detecting said first service related to said second service (col. 8, lines: 6-13, talks about the service update provided by the server to the mobile unit therefore the second server knows what the first server has provided or didn't provide);

b. Transmitting means for transmitting recommendation information for recommending said first service detected by said detecting means to said second terminal (Fig. 2, shows the connections to the link server where the other servers can transmit information updates as they can also pull information from the link server as depicted by arrows pointed path flow of information, also see col. 7, lines: 40-51, where wideband channel is used to transmit information from the mobile device to the link server);

c. Registering means for registering said first service recommended by said recommendation information and requested to be provided by said second terminal (Fig. 1 and 2, col. 8, lines: 18-26, col. 9, lines: 43-67, as shown by Boyle et al. the services are related through the link server as notifications from the different servers are sent); and

d. Providing means for providing said first service registered by said registering means to said first terminal in response to a request from said first terminal (col. 2, lines: 9-37, talk about the user being able to register and get updates from first service, since the control system is a link between the first service, which is an airnet system, and the user; the link is able to connect both of them whenever there is information to be transmitted).

6. Consider claim 6, and as applied to claim 5 above, Boyle et al. shows and discloses further comprising aggregating means for obtaining an aggregate number of transfers of said provision information (col. 9, lines: 6-34, Boyle et al.

teaches the storage of initial information that client has and then the adding or compiling or aggregating of update information back to the client by the server);

a. Wherein said providing means provides said first service to said first terminal according to an aggregate result by said aggregation means (col. 9, lines: 6-34, Boyle et al. teaches the storage of initial information that client has and then the adding or compiling or aggregating of update information back to the client by the server).

7. Consider claims 7 & 8, Boyle et al. discloses and shows an information processing method for providing a first service to a first terminal via a network (Fig. 1, abstract, col. 4, lines: 61-63, where there is an airnet and a land net providing information as depicted providing service to a terminal), said method comprising:

a. A detecting step for recognizing that a second service has been provided from provision information indicating that said second service has been provided (col. 2, lines: 37-40, notification is sent out from server about updates the client then responds to the notification via a message therefore, detecting step. Also, col. 12, lines: 44-64, Boyle et al. explains how services are provided), said provision information being transmitted from a server for providing said second service to a second terminal via said network, and detecting said first service related to said second service (Fig. 1 and 2, col. 8, lines: 18-26, col. 9, lines: 43-67, as shown by

Boyle et al. the services are related through the link server as notifications from the different servers are sent);

b. A transmitting step for transmitting recommendation information for recommending said first service detected by processing of said detecting step to said second terminal (col. 11, lines: 38-56,);

c. A registering step for registering said first service recommended by said recommendation information and requested to be provided by said second terminal (col. 11, lines: 22-67, col. 12, lines: 44-64, Boyle et al. teaches transmitting and registrations steps in order to update the information between client and server); and

d. A providing step for providing said first service registered by processing of said registering step to said first terminal in response to a request from said first terminal (col. 10, lines: 18-39, Boyle et al. teaches where the server responds to the request of said client terminal by alerting the client of the update information ready for the client to access through a process).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following is considered pertinent prior art:

- Schwartz et al. (U.S. Patent # 6,473,609 B1), "Method and architecture for interactive two-way communication devices to interact with a network".
- Ludwig (U.S. Patent # 6,256,498 B1), "Location defendant www service in digital cellular communication networks".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diego Herrera whose telephone number is (571) 272-0907. The examiner can normally be reached on Monday-Friday, 7AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G. Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.H.

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600